

Calendar No. 2078

85TH CONGRESS
2D SESSION

S. 3460

[Report No. 2032]

IN THE SENATE OF THE UNITED STATES

MARCH 12, 1958

Mr. JOHNSTON of South Carolina (by request) introduced the following bill;
which was read twice and referred to the Committee on Post Office and
Civil Service

JULY 29, 1958

Reported by Mr. JOHNSTON of South Carolina, with amendments

[Insert the part printed in italic]

A BILL

To govern the salaries and personnel practices for teachers,
certain school officers, and other employees of the dependents
schools of the Department of Defense in foreign countries,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 202 of the Classification Act of 1949 (5
4 U. S. C. 1082) is amended by changing the period at the
5 end thereof to a semicolon, and by adding the following
6 new clause:

7 “(33) citizens of the United States who are em-
8 ployed in schools operated by the Department of Defense
9 in areas outside the United States, its Territories, and

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1 its possessions for dependents of members of the Armed
2 Forces and dependents of civilian employees of the
3 Department of Defense who are employed on a school-
4 year basis, and who are in positions that involve—

5 “(A) classroom or other instruction, or the
6 supervision and direction of classroom or other
7 instruction;

8 “(B) any activity, other than teaching, that
9 requires academic credits in educational theory and
10 practice that are equal to the academic credits in
11 educational theory and practice that are required for
12 a bachelor's degree in education from an accredited
13 institution of higher education; or

14 “(C) any activity in, or related to, the field of
15 education, even though the activity does not require
16 academic credits in educational theory and practice.”

17 SEC. 2. (a) This Act applies to the positions that are
18 excepted from the Classification Act of 1949 by section
19 202 (33) (5 U. S. C. 1082) of that Act.

20 (b) The Secretary of Defense shall prescribe regula-
21 tions governing the establishment of positions covered by
22 this Act; the fixing of the rates of compensation for such
23 positions, taking into account the rates of compensation for
24 similar positions in the United States; the conditions of
25 employment of, and entitlement to and payment of com-

1 pensation to, incumbents of such positions; and the length
2 of the school year in overseas dependents schools of the
3 Department of Defense.

4 (c) Subject to section 203 of the Classification Act of
5 1949 (5 U. S. C. 1082), the Secretary of each military
6 department shall place at the appropriate salary rate each
7 position in his department that he determines is covered
8 by section 202 (33) of that Act (5 U. S. C. 1082).

9 SEC. 3. (a) Notwithstanding any other provision of law
10 and under regulations to be prescribed by the Secretary of
11 Defense, a person (other than a substitute teacher) who
12 holds a position covered by this Act is entitled to cumulative
13 leave with pay at the rate of one day for each calendar
14 month, or part thereof, of the school year. However, if the
15 school year includes more than eight months, a person who
16 serves for the entire school year earns ten days of cumulative
17 leave. Not more than seventy-five days of leave may be
18 accumulated at any one time under this section.

19 (b) Under regulations to be prescribed by the Secre-
20 tary of Defense, leave earned under this section may be used
21 for maternity purposes, or it may be used when the person
22 is ill, when there is a contagious disease or death in his im-
23 mediate family, or when he has any other pressing personal
24 emergency. In addition, if timely notice of intended ab-
25 sence is given, three days of leave earned under this section

1 may be granted during each school year for any purpose.
2 Saturdays, Sundays, regularly scheduled holidays, and other
3 administratively authorized nonwork days may not be counted
4 against leave earned under this section.

5 (c) Any person holding a position when it is deter-
6 mined to be covered by section 202 (33) of the Classifica-
7 tion Act of 1949 (5 U. S. C. 1082) shall be credited with
8 the annual and sick leave with which he is then credited.
9 Annual leave so credited may not be included in the leave
10 provided for in subsection (a), but it may be used under
11 such regulations as the Secretary of the military department
12 concerned may prescribe. Any person credited under this
13 subsection with seventy-five or more days of leave, exclu-
14 sive of annual leave, may not earn leave under subsection
15 (a) until the amount of such leave to his credit is reduced
16 to less than seventy-five days.

17 (d) Any annual leave remaining to an employee's
18 credit when he is separated from the service shall be liqui-
19 dated in the manner prescribed by the Act of December 21,
20 1944 (ch. 632, 5 U. S. C. 61b, and the following). Leave
21 earned under subsection (a) may not be liquidated.

22 (e) When any person occupying a position covered by
23 this Act is transferred, promoted, or reappointed to a posi-
24 tion under a different leave system, without a break in serv-

1 ice, the annual leave and any leave earned or credited under
2 this section that remains to his credit, shall be transferred to
3 his credit in the employing agency on an adjusted basis in
4 accordance with regulations prescribed by the Civil Service
5 Commission.

6 SEC. 4. (a) Notwithstanding any other provision of law
7 and under regulations to be prescribed by the Secretary of
8 Defense, a person (other than a substitute teacher) who
9 holds a position covered by this Act and who completes a
10 school year and agrees in writing to serve for the next school
11 year may be authorized, for the recess period between the
12 school years—

13 (1) quarters;

14 (2) a quarters allowance; or

15 (3) storage, including packing, drayage, unpack-
16 ing, and transportation to and from storage, of his house-
17 hold effects and his personal possessions.

18 (b) If a person covered by subsection (a) does not
19 report for service at the beginning of the next school year,
20 he shall pay to the United States an amount equal to any
21 quarters allowance that he may have received under this
22 section, or the reasonable value of any quarters or storage
23 that he may have received under this section, as the case
24 may be.

1 SEC. 5. Under regulations to be prescribed by the Presi-
2 dent, a person (other than a substitute teacher) who holds
3 a position that is covered by this Act, is entitled to—

4 (1) quarters or a quarters allowance like that
5 authorized by the Act of June 26, 1930 (ch. 622;
6 5 U. S. C. 118a) ;

7 (2) cost-of-living allowances like those authorized
8 by section 901 (2) of the Foreign Service Act of 1946
9 (ch. 957; 22 U. S. C. 1131 (2)) ; and

10 (3) additonal compensation like that authorized
11 under section 207 of the Independent Offices Appropria-
12 tion Act, 1949 (5 U. S. C. 118h) .

13 SEC. 6. In the application of section 802 (a) of the
14 Classification Act of 1949, as amended (5 U. S. C. 1132
15 (a)) , the rates of pay established for any position covered
16 by this Act shall be increased by 20 percent to determine
17 the annual salary rate.

18 SEC. 7. (a) Except as otherwise provided by this Act,
19 the Annual and Sick Leave Act of 1951 (ch. 631; 5 U. S. C.
20 2061, and the following) , and the Federal Employees Pay
21 Act of 1945 (ch. 189; 5 U. S. C. 901, and the following)
22 do not apply to persons who hold positions covered by this
23 Act.

24 (b) The Act of May 10, 1916 (ch. 117; 5 U. S. C. 58)
25 and the Act of July 31, 1894 (ch. 174; 5 U. S. C. 62) ,

1 relating to dual employment and dual compensation, do not
2 apply to persons who, during the recess period between the
3 school years, are entitled to the allowances prescribed in sec-
4 tion 5 of this Act.

5 SEC. 8. The enactment of this Act does not affect—

6 (1) any position existing, on the day before the
7 effective date of this Act, under the provisions of law
8 amended or repealed by this Act;

9 (2) the compensation attached to any such posi-
10 tion; or

11 (3) any incumbent thereof, his appointment there-
12 to, or his right to receive the compensation attached
13 thereto; until appropriate action is taken under section
14 2 (c) of this Act.

15 SEC. 9. The Secretary of Defense shall issue the regula-
16 tions prescribed by this Act on a date that is within ninety
17 days after the date on which this Act is enacted. The Secre-
18 tary of each military department may issue regulations to
19 carry out his functions under this Act.

20 SEC. 10. Section 9 of this Act takes effect on the date on
21 which this Act is enacted. Sections 1-8 of this Act take
22 effect on the first day of the first pay period that begins
23 more than sixty days after the date on which the Secretary
24 of Defense issues the regulations under section 9 of this Act.

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